

ASSEMBLY BILL

No. 2109

Introduced by Assembly Member Ruskin

February 18, 2010

An act to amend Section 71090.5 of, and to add Section 70900.7 to, the Education Code, and to amend Section 11000 of the Government Code, relating to the California Community Colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2109, as introduced, Ruskin. California Community Colleges.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires the board of governors to appoint a chief executive officer, known as the Chancellor of the California Community Colleges, and requires the chancellor to execute the duties and responsibilities delegated to him or her by the board of governors.

Existing law requires the Governor to appoint up to 6 deputy and vice chancellors of the community colleges recommended by the board of governors and exempts those deputy and vice chancellors from state civil service.

This bill would increase the number of deputy and vice chancellors that the Governor is required to appoint up to 8 deputy and vice chancellors recommended by the board of governors.

The bill would also express the intent of the Legislature that, before legislation that, by its terms, applies to the state or its agencies, departments, or boards, may apply to the California Community Colleges, that legislation should be compatible with the mission and

functions of the California Community Colleges. The bill would express legislative intent that the California Community Colleges not be governed by any statute enacted after January 1, 2011, that does not amend a previously applicable act and that applies generally to the state or to state agencies, departments, or boards, unless the statute expressly provides that the California Community Colleges are to be governed by that statute.

(2) Existing law defines “state agency,” for the purposes of numerous statutes in the Government Code, to include every state office, officer, department, division, bureau, board, and commission, except that, for these purposes, “state agency” does not include the California State University, with respect to specified statutes that are added or amended effective on or after January 1, 1997, unless a statute explicitly provides that it applies to the university.

This bill would amend that definition to specify that “state agency” for these purposes also does not include the California Community Colleges, with respect to specified statutes that are added or amended effective on or after January 1, 2011, unless a statute explicitly provides that it applies to the California Community Colleges.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California Community College students are served by 112
- 4 colleges, 72 community college districts, and a state agency system
- 5 office that is led by the Chancellor of the California Community
- 6 Colleges on behalf of the 17-member Board of Governors of the
- 7 California Community Colleges.
- 8 (b) The responsibilities of the Office of the Chancellor of the
- 9 California Community Colleges have grown in scope and
- 10 complexity in the past decade, while staffing has been reduced
- 11 from 250 to 161 state employees.
- 12 (c) The chancellor’s office is responsible for the annual
- 13 distribution of Proposition 98 community college apportionments,
- 14 fiscal and program oversight, facilities planning, overseeing the
- 15 development and coordination of information technology,

1 systemwide budget and legislative advocacy, and policy and
2 leadership guidance.

3 (d) The Chancellor of the California Community Colleges plays
4 a pivotal role in leading the system in working through this
5 challenging time, while continuing to find new and innovative
6 approaches to providing community college access and success.
7 Success in this endeavor will greatly enhance the state's ability to
8 retool the workforce and reinvigorate the state's economy.

9 (e) The existing governance structure of the California
10 Community Colleges prevents the chancellor's office from
11 providing effective direction, leadership, and oversight to the
12 community college districts. As a state agency, the chancellor's
13 office is unable to respond with the speed, authority, and efficiency
14 required to meet the needs of students. To function more effectively
15 the Office of the Chancellor of the California Community Colleges
16 should have greater flexibility with respect to requirements imposed
17 by the state, at a level that is similar to the flexibility of the
18 administrative offices of the University of California and California
19 State University.

20 SEC. 2. Section 70900.7 is added to the Education Code, to
21 read:

22 70900.7. Recognizing the unique mission and functions of the
23 California Community Colleges among the departments, agencies,
24 and boards of the state, it is the intent of the Legislature that both
25 of the following occur:

26 (a) Before legislation that, by its terms, applies to the state or
27 its agencies, departments, or boards, may apply to the California
28 Community Colleges, the legislation should be compatible with
29 the mission and functions of the California Community Colleges.

30 (b) The California Community Colleges not be governed by
31 any statute enacted after January 1, 2011, that does not amend a
32 previously applicable act and that applies generally to the state or
33 to state agencies, departments, or boards, unless the statute
34 expressly provides that the California Community Colleges are to
35 be governed by that statute.

36 SEC. 3. Section 71090.5 of the Education Code is amended to
37 read:

38 71090.5. In addition to the position authorized by subdivision
39 (e) of Section 4 of Article VII of the California Constitution, the
40 Governor, with the recommendation of the board of governors,

1 shall appoint up to ~~six~~ *eight* deputy and vice chancellors, who shall
2 be exempt from state civil service. The appointments shall not
3 exceed an aggregate total of ~~six~~ *eight*, for ~~both~~ the positions of
4 *both* deputy and vice chancellor.

5 SEC. 4. Section 11000 of the Government Code is amended
6 to read:

7 11000. (a) *(1)* As used in this title, “state agency” includes
8 every state office, officer, department, division, bureau, board, and
9 commission. ~~As~~

10 *(2)* As used in any section of this title that is added or amended
11 effective on or after January 1, 1997, “state agency” does not
12 include the California State University unless the section explicitly
13 provides that it applies to the university.

14 *(3)* As used in any section of this title that is added or amended
15 effective on or after January 1, 2011, “state agency” does not
16 include the California Community Colleges unless the section
17 explicitly provides that it applies to the community colleges.

18 (b) References to particular state agencies in this title, without
19 further identification, such as to the “Treasurer” or “Department
20 of General Services,” are references to the state officer or agency
21 known by that name.